

BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation against:

ERIN THERESE GANTT

**Associate Clinical Social Worker
Registration No. ASW 80363**

Respondent.

Case No.200-2019-003018

OAH No. 2022060112

DECISION

Pursuant to Government Code section 11517 (c)(2)(B), the attached Proposed Decision is hereby Adopted by the Board of Behavioral Sciences as the final Decision in the above-entitled matter with the following reduction to penalty:

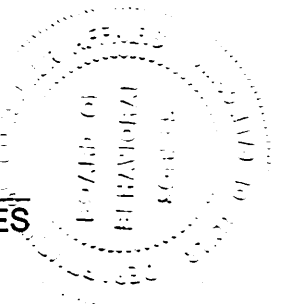
- On page 10, Item 1, Actual Suspension - shall be deleted in its entirety
- On page 10-11, Item 2, Psychological/Psychiatric Evaluation - shall be deleted in its entirety.

This Decision shall be effective on: January 5, 2023

It is so ORDERED on: December 6, 2022



**FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS**



**BEFORE THE
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DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**ERIN THERESE GANTT,
Associate Clinical Social Worker Registration No. ASW 80363
Respondent.**

Agency Case No. 200-2019-003018

OAH No. 2022060112

PROPOSED DECISION

Administrative Law Judge Karen Reichmann, State of California, Office of Administrative Hearings, heard this matter on September 13, 2022, by videoconference.

Deputy Attorney General Timothy J. McDonough represented complainant Steve Sodergren, Executive Officer, Board of Behavioral Sciences, Department of Consumer Affairs.

Respondent Erin Therese Gantt represented herself.

The record closed and the matter was submitted for decision on September 13, 2022.

FACTUAL FINDINGS

Introduction

1. Complainant Steve Sodergren filed the Accusation in his official capacity as the Executive Officer of the Board of Behavioral Sciences (Board), Department of Consumer Affairs.

2. The Board issued Associate Clinical Social Worker Registration No. ASW 80363 to respondent Erin Therese Gantt on November 9, 2017.

3. On December 1, 2021, the Board issued an order compelling respondent to submit to a psychological examination pursuant to Business and Professions Code section 820. The petition supporting the order alleged that respondent had been arrested seven times between June 2019 and October 2020, on charges including possession of a controlled substance, vehicle theft, and trespassing.

Expert Opinion

4. Psychologist R. Austin Heafy, Psy.D., was selected by the Board to perform the examination. He spoke with respondent on the telephone and met with her in person in December 2021 and January 2022. He administered psychological assessments. Dr. Heafy wrote a report with his findings and testified at the hearing.

5. Dr. Heafy found respondent to be uncooperative, dishonest, and unreliable. Respondent did not complete many of the assessments he attempted to administer, and her scores were found to be invalid on assessments she did complete. Dr. Heafy observed evidence that respondent was addicted to methamphetamine, or

was in withdrawal. He identified a number of other psychosocial stressors she was experiencing. Dr. Heafy concluded that respondent was unfit to practice.

6. Dr. Heafy's report includes several recommendations, including: to attend an inpatient drug treatment program, followed by outpatient treatment, including a minimum of six weeks in a sober living environment; to attend 90 Narcotics Anonymous (NA) meetings in 90 days; to obtain an NA sponsor; random drug testing; to engage in psychotherapy at least weekly; to see a psychiatrist; and to be reassessed in one year.

7. Dr. Heafy observed respondent at the hearing and commented that she obviously had put in a tremendous effort since their meeting and that she seemed like "a different person." He explained his view that she has a pre-existing mental illness, exacerbated by methamphetamine use. He recommended that she continue consistent attendance in 12-step meetings and undergo another assessment, and that if she returns to practice, she should be supervised for the first few months.

Arrests

8. Respondent was arrested seven times between June 2019 and October 2020:

a. On June 21, 2019, respondent was arrested at a car dealership, where she was reported to have engaged in erratic behavior. Respondent was searched and discovered to be in possession of methamphetamine and cocaine.

b. On July 7, 2019, respondent was arrested at her family's home. It was alleged that she took a vehicle without permission. Respondent resisted arrest.

c. On January 20, 2020, respondent was arrested following a report of suspicious behavior. She was searched and discovered to be in possession of methamphetamine and paraphernalia.

d. On May 22, 2020, respondent was arrested following a traffic stop of a vehicle in which she was a passenger. Methamphetamine and paraphernalia were found in the vehicle.

e. On August 4, 2020, respondent was arrested for failing to return a rental car. Respondent was in possession of methamphetamine and paraphernalia.

f. On September 17, 2020, respondent was arrested for a confirmed misdemeanor warrant and possession of a controlled substance.

g. On October 2, 2020, respondent was arrested for trespassing. Respondent was in possession of methamphetamine and paraphernalia.

Respondent's Evidence

9. Respondent candidly acknowledged a history of methamphetamine abuse, including periods of sobriety followed by relapse. She admitted that she was addicted to methamphetamine and used it regularly from 2019 until November 2021.

10. Respondent does not dispute that she was not fit to practice at the time of Dr. Heafy's evaluation and that she did not engage in the Board-ordered evaluation process. She explained that she was recovering from her addiction, was in physical pain due to a health condition, and was afraid of losing her license. Since meeting with Dr. Heafy, respondent has engaged in significant rehabilitation efforts.

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11. Respondent sought outpatient treatment through Phoenix Nest Community Wellness in January 2022. In a letter dated July 13, 2022, Dr. Robert Carter Clement, M.D., the medical director of the program, wrote that respondent demonstrated "ongoing and increased commitment, consistency, and improvement" and had "expressed a strong desire for recovery." He noted that during the previous two months, respondent had shown dramatic improvement. He recommended "increased occupational responsibilities while maintaining outpatient treatment compliance." Respondent continues to attend treatment sessions at Phoenix Nest. She is drug tested at Phoenix Nest and has never tested positive.

12. Respondent completed 90 Alcoholics Anonymous (AA) meetings in 90 days and continues to attend several AA meetings weekly. She has been working with a sponsor since May 2022. Respondent explained that she has attended some Narcotics Anonymous meetings as well, but generally prefers AA. She added that abstinence from alcohol is essential to her recovery because her episodes of methamphetamine abuse always started with her misguided belief that she could safely consume alcohol socially.

13. Respondent's AA sponsor wrote a letter confirming that she has been respondent's sponsor since May and that respondent is working diligently on the 12 steps. She added that she meets with respondent regularly and that respondent has shown an increased interest and willingness to stay sober. Respondent's sponsor has high hopes for respondent's recovery and believes that respondent "cares a lot about doing the next right thing."

14. Drug and Alcohol Counselor Tamara Dukes of Ampla Health wrote a letter confirming that respondent has been receiving medication-assisted substance abuse treatment since July 26, 2022. Dukes wrote that respondent has been on time to

her biweekly appointments, has tested negative for illicit substances each time, and is showing growth in her recovery.

15. Respondent sought psychotherapy from Aracely Munguia, M.S.W., L.C.S.W., in July 2022. Munguia diagnosed respondent with Bipolar II Disorder, with depressed and anxious distress and Post-Traumatic Stress Disorder, and has begun treating respondent. Munguia wrote a letter describing respondent as very engaged in treatment and noting that respondent would benefit from being employed as it would provide structure, meaning, and purpose to her life.

16. Respondent believes that she is “building a backbone for recovery,” which she had not done during her prior periods of abstinence. She feels she now has insight into her addiction. Unlike in the past, she now has a support system. She was “closed off” to AA in the past, but now is excited about “doing the hard work” in AA. Respondent attends a Friday meeting for young adults. She has been participating in other events through AA, including a recent 3-day camping trip and events where she can bring her children. Respondent meets with her sponsor weekly, calls her when needed, and has a small support group of women friends in recovery. Respondent denies having any cravings for illicit substances at present.

17. Respondent earned a master’s degree in social work in 2017. She has been trained in dialectical behavior therapy. She has worked in private practice and has worked with the courts on child and family team meetings for transitional youth.

18. Michael Courter, L.C.S.W., wrote a letter of support. Courter met respondent in 2014, when he supervised her during an internship her senior year of college. After she graduated, he hired her to work at his outpatient clinic providing dialectical behavior therapy. She left for graduate school, and returned after

completing her master's degree until Courter closed the clinic a short time later, in 2018. He wrote that respondent was a valuable member of the team and provided high-quality services to clients.

Courter has remained in touch with respondent and is aware of respondent's struggles with substance abuse. This past summer, respondent told Courter that she feels able to work with clients again. Courter has been training respondent weekly with the hope of hiring her to work for his current outpatient clinic, once this disciplinary matter is resolved. He promised that as her supervisor he would look out for clients and take action if she relapsed. Courter feels confident in respondent's sobriety.

19. Respondent's health condition has improved, following two gastrointestinal surgeries.

20. Respondent lives with her parents and her two children. She has been unemployed for three years.

21. Respondent apologized to the Board for not fully engaging with Dr. Heafy's evaluation and not prioritizing her license. She takes her profession and its ethical obligations seriously and appreciates that it is imperative for her to remain sober to practice as a social worker. She noted that there are many talented people in the field who have used what they have learned in their own journeys to help their clients. Respondent would be grateful for the opportunity to continue working as a social worker, and is willing to comply with any conditions imposed by the Board.

22. Respondent was scheduled to appear in Butte County Superior Court the day following the hearing, to address the various criminal charges pending against her. She was hopeful that she would be approved to participate in a drug diversion program.

Enforcement Costs

23. In connection with the prosecution of this Accusation, the Department of Justice has billed the Board \$6,206.25 for legal services. These charges are supported by a certification that complies with the requirements of California Code of Regulations, title 1, section 1042, and are reasonable.

LEGAL CONCLUSIONS

1. Business and Professions Code sections 820 and 822 provide that the Board may discipline the registration of an associate clinical social worker who has been found unable to practice due to mental or physical illness. Cause for discipline has been established in light of the matters set forth in Factual Findings 5, 9, and 10.

2. The Board has set forth factors to be considered when imposing discipline on a licensee. These factors include the nature and severity of the acts, the actual or potential harm to the public, actual or potential harm to any patient, prior disciplinary record, number and/or variety of current violations, whether the respondent complied with the terms of probation or parole, mitigation evidence, rehabilitation evidence, and the time passed since the acts occurred. The Board has adopted Uniform Standards Related to Substance Abuse for registrants who are subject to discipline due to substance abuse.

3. Respondent candidly admitted a history of substance abuse that has at times impaired her ability to practice. She does not dispute the conclusions of the Board's evaluator, who found her impaired at the beginning of 2022. Since that time, respondent has engaged in serious recovery efforts. Her commitment to her recovery appears sincere, but she is still in the early phase of rehabilitation. Taking into

consideration the Board's guidelines and the Uniform Standards, respondent has demonstrated sufficient rehabilitation to warrant a five-year period of probation, with appropriate terms and conditions. These will include a period of actual suspension while she obtains a psychological/psychiatric evaluation and implementation of any recommendations from the evaluation; a clinical diagnostic evaluation; random drug and alcohol testing; psychotherapy; attending at least two addictive support group meetings each week; and supervised practice. Respondent will not be required to attend a rehabilitation program unless attendance is recommended by the psychological/psychiatric evaluator.

4. Business and Professions Code section 125.3 authorizes the Board to recover its reasonable costs of investigation and enforcement. In *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth standards by which a licensing board must exercise its discretion to reduce or eliminate cost awards to ensure that licensees with potentially meritorious claims are not deterred from exercising their right to an administrative hearing. Those standards include whether the licensee has been successful at hearing in getting the charges dismissed or reduced, the licensee's good faith belief in the merits of his or her position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate to the alleged misconduct. Respondent has not been employed for several years and lives with her parents. Complying with the conditions of probation will entail numerous expenses. Under these circumstances, a reduction in costs by one-half is warranted. Respondent will be ordered to pay \$3,103.13.

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ORDER

Associate Clinical Social Worker Registration Number ASW 80363, issued to respondent Erin Therese Gantt, is revoked. However, the revocation is stayed and respondent is placed on five years' probation with the following terms and conditions. Probation shall continue on the same terms and conditions if respondent is granted another registration or license regulated by the Board.

1. Actual Suspension

Commencing from the effective date of this decision, respondent shall be suspended from the practice of social work for a period of 60 days, and such additional time as may be necessary to obtain and review the clinical diagnostic psychological or psychiatric evaluation and to implement any recommendations from that evaluation.

Respondent shall be responsible for informing her employer of the Board's decision, and the reasons for the length of suspension. Respondent shall submit documentation and/or evidence demonstrating satisfactory compliance with this condition. Prior to the lifting of the actual suspension of the license, the Board shall receive pertinent documentation confirming that respondent is safe to return to practice under specific terms and conditions as determined by the Board.

2. Psychological/Psychiatric Evaluation

Within 90 days of the effective date of this Decision, and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall complete a psychological or psychiatric evaluation by such licensed psychologists or psychiatrists as are appointed by the Board. The cost of such evaluation shall be borne

by respondent. Failure to pay for the report in a timely fashion constitutes a violation of probation.

Such evaluators shall furnish a written report to the Board or its designee regarding respondent's judgment and ability to function independently and safely as a counselor and such other information as the Board may require. Respondent shall execute a Release of Information authorizing the evaluator to release all information to the Board. Respondent shall comply with the recommendations of the evaluator.

If respondent is determined to be unable to practice independently and safely, upon notification, respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee. Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board or its designee has notified respondent of its determination that respondent may resume practice.

3. Psychotherapy

Respondent shall participate in ongoing psychotherapy with a California licensed mental health professional who has been approved by the Board. Within 15 days of the effective date of this Decision, respondent shall submit to the Board or its designee for its prior approval the name and qualifications of one or more therapists of respondent's choice. Such therapist shall possess a valid California license to practice and shall have had no prior business, professional, or personal relationship with respondent, and shall not be respondent's supervisor. Counseling shall be at least once a week unless otherwise determined by the Board. Respondent shall continue in such therapy at the Board's discretion. Cost of such therapy is to be borne by respondent.

Respondent may, after receiving the Board's written permission, receive therapy via videoconferencing if respondent's good faith attempts to secure face-to-face counseling are unsuccessful due to the unavailability of qualified mental health care professionals in the area. The Board may require that respondent provide written documentation of her good faith attempts to secure counseling via videoconferencing.

Respondent shall provide the therapist with a copy of the Board's Decision no later than the first counseling session. Upon approval by the Board, respondent shall undergo and continue treatment until the Board or its designee determines that no further psychotherapy is necessary.

Respondent shall take all necessary steps to ensure that the treating psychotherapist submits quarterly written reports to the Board concerning respondent's fitness to practice, progress in treatment, and to provide such other information as may be required by the Board. Respondent shall execute a Release of Information authorizing the therapist to divulge information to the Board.

If the treating psychotherapist finds that respondent cannot practice safely or independently, the psychotherapist shall notify the Board within three working days. Upon notification by the Board, respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee that respondent may do so. Respondent shall not thereafter engage in any practice for which a license issued by the Board is required until the Board or its designee has notified respondent that she may resume practice. Respondent shall document compliance with this condition in the manner required by the Board.

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4. Clinical Diagnostic Evaluation

Within 20 days of the effective date of the Decision and at any time upon order of the Board, respondent shall undergo a clinical diagnostic evaluation. Respondent shall provide the evaluator with a copy of the Board's Decision prior to the clinical diagnostic evaluation being performed.

Any time respondent is ordered to undergo a clinical diagnostic evaluation, her license or registration shall be automatically suspended for a minimum of one month pending the results of a clinical diagnostic evaluation. During such time, the respondent shall submit to random drug testing at least two times per week.

Respondent shall cause the evaluator to submit to the Board a written clinical diagnostic evaluation report within 10 days from the date the evaluation was completed, unless an extension, not to exceed 30 days, is granted to the evaluator by the Board. Cost of such evaluation shall be paid by respondent.

Respondent's license or registration shall remain suspended until the Board determines that she is able to safely practice either full-time or part-time and has had at least one month of negative drug test results. Respondent shall comply with any restrictions or recommendations made by the Board as a result of the clinical diagnostic evaluation.

5. Supervised Practice

Within 30 days of the effective date of this decision, respondent shall submit to the Board or its designee, for its prior approval, the name and qualification of one or more proposed supervisors and a plan by each supervisor. The supervisor shall be a current California licensed practitioner in respondent's field of practice, who shall

submit written reports to the Board or its designee on a quarterly basis verifying that supervision has taken place as required and including an evaluation of respondent's performance. The supervisor shall be independent, with no prior business, professional or personal relationship with respondent.

If respondent is unable to secure a supervisor in her field of practice due to the unavailability of mental health care professionals in the area, then the Board may consider the following options for satisfying this probationary term:

(1) Permitting respondent to receive supervision via videoconferencing; or,

(2) Permitting respondent to secure a supervisor not in respondent's field of practice.

The foregoing options shall be considered and exhausted by the Board in the order listed above. The Board may require that respondent provide written documentation of her good faith attempts to secure face-to-face supervision, supervision via videoconferencing, or to locate a mental health professional that is licensed in the respondent's field of practice.

Respondent shall complete any required consent forms and sign an agreement with the supervisor and the Board regarding respondent and the supervisor's requirements and reporting responsibilities. Failure to file the required reports in a timely fashion shall be a violation of probation. Respondent shall give the supervisor access to respondent's fiscal and client records.

Supervision obtained from a probation supervisor shall not be used as experience gained toward licensure.

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If the supervisor is no longer available, respondent shall notify the Board within 15 days and shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by respondent. Supervision shall consist of at least one hour per week in individual face to face meetings. The supervisor shall not be the respondent's therapist.

Respondent shall not practice until she has received notification that the Board has approved respondent's supervisor.

6. Abstain from Controlled Substances / Submit to Drug and Alcohol Testing

Respondent shall completely abstain from the use or possession of controlled or illegal substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

Respondent shall immediately submit to random and directed drug and alcohol testing, at respondent's cost, upon request by the Board or its designee. Respondent shall be subject to a minimum number of random tests per year for the duration of the probationary term, as prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to respondent, respondent's current employer, and the supervisor, if any, and shall be a violation of probation.

If respondent tests positive for a controlled substance, respondent's license shall be automatically suspended. Respondent shall make daily contact as directed by the Board to determine if she must submit to drug testing. Respondent shall submit her drug test on the same day that she is notified that a test is required. All alternative

drug testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

7. Abstain from Use of Alcohol / Submit to Drug and Alcohol Testing

Respondent shall completely abstain from the intake of alcohol during the period of probation.

Respondent shall immediately submit to random and directed drug and alcohol testing, at respondent's cost, upon request by the Board or its designee. Respondent shall be subject to a minimum number of random tests per year for the duration of the probationary term, as prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to respondent, respondent's current employer, and to the supervisor, if any, and shall be a violation of probation.

If respondent tests positive for alcohol and/or a controlled substance, respondent's license shall be automatically suspended. Respondent shall make daily contact as directed by the Board to determine if she must submit to drug testing. Respondent shall submit her drug test on the same day that she is notified that a test is required. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

8. Addictive Behavior Support Groups

Within five days of the effective date of this Decision, respondent shall begin attendance at an addictive behavior support group at least twice per week. Verified documentation of attendance shall be submitted by respondent with each written report as required by the Board.

9. Obey All Laws

Respondent shall obey all federal, state and local laws, all statutes and regulations governing the license, and remain in full compliance with any court ordered criminal probation, payments and other orders. A full and detailed account of any and all violations of law shall be reported by respondent to the Board or its designee in writing within 72 hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days of the effective date of the Decision, unless previously submitted as part of the licensure application process. Respondent shall pay the cost associated with the fingerprint process.

10. File Quarterly Reports

Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury whether she has been in compliance with all the conditions of probation. Notwithstanding any provision for tolling of requirements of probation, during the cessation of practice respondent shall continue to submit quarterly reports under penalty of perjury.

11. Comply with Probation Program

Respondent shall comply with the probation program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of respondent's compliance with the program.

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12. Interviews with the Board

Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

13. Failure to Practice

In the event respondent stops practicing in California, respondent shall notify the Board or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Non-practice is defined as any period of time exceeding 30 calendar days in which respondent is not engaging in any activities defined in sections 4980.02, 4989.14, 4996.9, or 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this condition, will not apply to the reduction of the probationary term and will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; File Quarterly Reports; Comply with Probation Program; and Maintain Valid License/Registration. Respondent's license/registration shall be automatically cancelled if respondent's period of non-practice totals two years.

14. Change of Place of Employment or Place of Residence

Respondent shall notify the Board or its designee in writing within 30 days of any change of place of employment or place of residence. The written notice shall include the address, the telephone number and the date of the change.

15. Supervision of Unlicensed Persons

While on probation, respondent shall not act as a supervisor for any hours of supervised practice required for any license issued by the Board. Respondent shall

terminate any such supervisory relationship in existence on the effective date of this Decision.

16. Notification to Clients

Respondent shall notify all clients when any term or condition of probation will affect their therapy or the confidentiality of their records, including but not limited to supervised practice, suspension, or client population restriction. Such notification shall be signed by each client prior to continuing or commencing treatment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this term of probation.

17. Notification to Employer

Respondent shall provide each of her current or future employers, when performing services that fall within the scope of practice of her license, a copy of this Decision and the Accusation before commencing employment. Notification to respondent's current employer shall occur no later than the effective date of the Decision or immediately upon commencing employment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this term of probation. Respondent shall provide to the Board the names, physical addresses, and telephone numbers of all employers, supervisors, and contractors. Respondent shall complete the required consent forms and sign an agreement with the employer and supervisor, or contractor, and the Board to allow the Board to communicate with the employer and supervisor or contractor regarding the licensee or registrant's work status, performance, and monitoring.

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18. Violation of Probation

If respondent violates the conditions of her probation, the Board, after giving respondent notice and the opportunity to be heard, may set aside the stay order and impose the discipline (revocation) of respondent's license provided in the Decision.

If during the period of probation, an accusation, petition to revoke probation, or statement of issues has been filed against respondent's license or application for licensure, or the Attorney General's office has been requested to prepare such an accusation, petition to revoke probation, or statement of issues, the probation period set forth in this Decision shall be automatically extended and shall not expire until the accusation, petition to revoke probation, or statement of issues has been acted upon by the Board. Upon successful completion of probation, respondent's license shall be fully restored.

19. Maintain Valid License

Respondent shall, at all times while on probation, maintain a current and active license with the Board, including any period during which suspension or probation is tolled. Should respondent's license, by operation of law or otherwise, expire, upon renewal respondent's license shall be subject to any and all terms of this probation not previously satisfied.

20. License Surrender

Following the effective date of this Decision, if respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily request the surrender of her license to the Board. The Board reserves the right to evaluate respondent's request

and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 30 calendar days deliver respondent's license and certificate and if applicable wall certificate to the Board or its designee and respondent shall no longer engage in any practice for which a license is required. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation.

Voluntary surrender of respondent's license shall be considered to be a disciplinary action and shall become a part of respondent's license history with the Board. Respondent may not petition the Board for reinstatement of the surrendered license. Should respondent at any time after voluntary surrender ever reapply to the Board for licensure, respondent must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all current educational and experience requirements, and taking and passing any and all examinations required of new applicants.

21. Instruction of Coursework Qualifying for Continuing Education

Respondent shall not be an instructor of any coursework for continuing education credit required by any license issued by the Board.

22. Notification to Referral Services

Respondent shall immediately send a copy of this Decision to all referral services registered with the Board in which respondent is a participant. While on probation, respondent shall send a copy of this Decision to all referral services registered with the Board that respondent seeks to join.

23. Reimbursement of Probation Program

Respondent shall reimburse the Board annually for the costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period, in an amount to be determined by the Board.

24. Cost Recovery

Respondent shall pay the Board \$3,103.13 as and for the reasonable costs of the investigation and prosecution of Case No. 200-2019-003018.

Respondent shall make the check or money order payable to the Board of Behavioral Sciences and shall indicate on the check or money order that it is the cost recovery payment for Case No. 200-2019-003018. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full payment has been made. Should any part of cost recovery not be paid in accordance with the outlined payment schedule, respondent shall be considered to be in violation of probation. A period of nonpractice by respondent shall not relieve respondent of her obligation to reimburse the Board for its costs.

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Cost recovery must be completed six months prior to the termination of probation. A payment plan authorized by the Board may be extended at the discretion of the Enforcement Manager based on good cause shown by the probationer.

DATE: 10/06/2022

Karen Reichmann

KAREN REICHMANN

Administrative Law Judge

Office of Administrative Hearings

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9 **BEFORE THE**
10 **BOARD OF BEHAVIORAL SCIENCES**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 200-2019-003018

14 **ERIN THERESE GANTT**
15 **134 Secluded Oaks Court**
Chico, CA 95928-4201

ACCUSATION

16 **Associate Clinical Social Worker**
17 **Registration No. ASW 80363**

Respondent.

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22 **PARTIES**

- 23 1. Steve Sodergren (Complainant) brings this Accusation solely in his official capacity
24 as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs.
25 2. On or about November 9, 2017 the Board of Behavioral Sciences issued Associate
26 Clinical Social Worker Registration Number ASW 80363 to Erin Therese Gantt (Respondent).
27 Respondent's Registration expired on November 30, 2021, and has not been renewed.
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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Behavioral Sciences (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 4990.33 of the Code states:

6 Notwithstanding any other law, except as provided in Section 4990.32, the
7 expiration, cancellation, forfeiture, or suspension of a license, registration, or other
8 authority to practice by operation of law or by order or decision of the board or a
9 court of law, the placement of a licensee on a retired status, or the voluntary surrender
10 of a license or registration by a licensee or registrant, of any license or registration
within the authority of the board, shall not deprive the board of jurisdiction to
commence or proceed with any investigation of, or action or disciplinary proceeding
against, the licensee or registrant or to render a decision suspending or revoking the
license or registration.

11 5. Section 118, subdivision (b), of the Code provides that the
12 suspension/expiration/surrender/cancellation of a license shall not deprive the
13 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
14 within which the license may be renewed, restored, reissued or reinstated.

15 **STATUTORY PROVISIONS**

16 6. Section 820 of the Code states:

17 Whenever it appears that any person holding a license, certificate or permit
18 under this division or under any initiative act referred to in this division may be
19 unable to practice his or her profession safely because the licentiate's ability to
20 practice is impaired due to mental illness, or physical illness affecting competency,
21 the licensing agency may order the licentiate to be examined by one or more
22 physicians and surgeons or psychologists designated by the agency. The report of the
23 examiners shall be made available to the licentiate and may be received as direct
24 evidence in proceedings conducted pursuant to Section 822.

25 7. Section 822 of the Code states:

26 If a licensing agency determines that its licentiate's ability to practice his or her
27 profession safely is impaired because the licentiate is mentally ill, or physically ill
28 affecting competency, the licensing agency may take action by any one of the
following methods:

(a) Revoking the licentiate's certificate or license.

(b) Suspending the licentiate's right to practice.

(c) Placing the licentiate on probation.

(d) Taking such other action in relation to the licentiate as the licensing agency

1 in its discretion deems proper.

2 The licensing agency shall not reinstate a revoked or suspended certificate or
3 license until it has received competent evidence of the absence or control of the
4 condition which caused its action and until it is satisfied that with due regard for the
5 public health and safety the person's right to practice his or her profession may be
6 safely reinstated.

7 **COST RECOVERY**

8 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 **CAUSE FOR DISCIPLINE**

13 (Impaired Ability to Practice)

14 9. Respondent has subjected her Associate Clinical Social Worker Registration to
15 discipline because she has been found to be unfit to engage clients as an Associate Clinical Social
16 Worker. (Bus. & Prof. Code, §§ 820, 822.) The circumstances are as follows:

17 10. On or about December 1, 2021, the Board issued a Petition for an Order Compelling a
18 Mental or Physical Examination to Respondent under Business and Professions Code section 820.
19 Respondent met with the examiner on December 30, 2021; January 1, 2022; and January 8, 2022.
20 Respondent also spoke with the examiner on the phone once. The examiner found that
21 Respondent failed to fully engage in the assessment process. Respondent ultimately failed to
22 complete the assessment process.

23 11. Despite Respondent's failure to fully cooperate in the assessment, the examiner
24 determined that there was significant evidence that Respondent was addicted to
25 methamphetamines and that she would benefit from a drug treatment program. The examiner
26 determined that Respondent was unfit to engage clients as an Associate Clinical Social Worker.
27 The examiner found that Respondent either has an active substance abuse or substance misuse
28 disorder, and noted that Respondent had a positive toxicology test for methamphetamine on or
about November 21, 2021. The examiner recommended that Respondent should create a daily
routine, participate in an inpatient and outpatient drug treatment program, complete a minimum of

1 6 weeks in a sober living environment, attend and participate in Narcotics Anonymous meetings,
2 undergo random urinalysis, participate in a drug treatment group, work with an individual
3 therapist one to three times per week, and work with a psychiatrist. The examiner also
4 recommended that Respondent be reassessed in a year.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
7 Accusation, and that following the hearing, the Board of Behavioral Sciences issue a decision:

- 8 1. Revoking or suspending Associate Clinical Social Worker Registration Number ASW
9 80363, issued to Erin Therese Gantt;
- 10 2. Ordering Erin Therese Gantt to pay the Board of Behavioral Sciences the reasonable
11 costs of the investigation and enforcement of this case, pursuant to Business and Professions
12 Code section 125.3; and
- 13 3. Taking such other and further action as deemed necessary and proper.
- 14
- 15

16 DATED: April 1, 2022

Steve Sodergren

17 STEVE SODERGREN
18 Executive Officer
19 Board of Behavioral Sciences
20 Department of Consumer Affairs
21 State of California
22 *Complainant*

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